

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

**March 27, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
March 26, 2012
9:00 a.m.**

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION by Police Chaplain Carlos Flores

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

- 1. AUTISM AWARENESS MONTH**
- 2. 2012 THE INTERNATIONAL YEAR OF COOPERATIVES**
- 3. EL PASO FASHION WEEK**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE:

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of March 20, 2012.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign Modification No. 34 to Contract No. NAS9-01177 by and between the National Aeronautics and Space Administration ("NASA") and the City of El Paso ("Contractor") which will extend the contract performance for the period of April 1, 2012 through June 30, 2012 and that the City Manager be authorized to sign six additional modifications to extend the performance period of the contract for a one-month extension each, if requested by NASA. **(District 3)** [Airport, Monica Lombrana, (915) 780-4724]

3B. That the City Manager be authorized to sign a Reaffirmation Agreement between the City of El Paso and Guadalupe Camacho Gamez, which reaffirms the Housing Rehabilitation loan and grant secured by the property located at 1308 Wainwright, El Paso, Texas. **(District 2)**
[Community and Human Development, William Lilly, (915) 541-4643]

3C. A Resolution to appoint the members of the Animal Shelter Advisory Committee. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

3D. That the City Manager be authorized to sign and submit Department of State Health Services (DSHS) Contract No. 2012-040156 for its Tuberculosis Prevention and Control – Federal program, in the amount of \$280,587 for the City's 1) basic services and associated activities for tuberculosis (TB) prevention and control and 2) expanded outreach services to individuals of identified special populations who have TB and/or who are at high risk of developing TB. **(All Districts)** [Public Health, Michael Hill, (915) 771-5702]

3E. That the City Manager be authorized to sign and submit Amendment No. 001A to Department of State Health Services (DSHS) Contract No. 2011-038811 for its Public Health Emergency Preparedness Program, to increase the budget amount available to the City of El Paso by \$198,210 (for a new total of \$726,725) in order to carry forward funds to the contract, revise due dates for affected reports and to extend the due date for equipment purchases. **(All Districts)** [Public Health, Michael Hill, (915) 771-5702]

3F. Accept a donation of digital x-ray equipment, accessories, setup and training for the El Paso Zoo Animal Medical Center. **(District 3)**
[Zoo, Steve Marshall, (915) 521-1850]

4. BOARD RE-APPOINTMENT:

William H. Wickline to the Retired and Senior Volunteer Program Advisory Council by Representative Carl L. Robinson District 4.
[Representative Carl L. Robinson, (915) 541-4400]

5. BOARD APPOINTMENT:

Melanie Bailey is appointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the unexpired term that ends November 26, 2012.
[Mayor John F. Cook, (915) 541-4145]

6. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. BID:

The award of Solicitation No. 2012-096 (Scrap Tire Disposal Services) to Tres Pesetas, Inc. for an initial term estimated award of \$497,415.

Department:	General Services, Environmental Services & Code Enforcement
Award to:	Tres Pesetas, Inc. El Paso, TX
Items:	Group A and Group B
Initial Term:	3 years
Option:	None
Annual Estimated Award:	\$165,805
Initial Term Estimated Award:	\$497,415 (3 years)
Total Estimated Award:	\$497,415
Account Nos.:	37370510 – 503125 – 45202 34010294 – 502204 – 40403
Funding Source:	General Services Dept.-Internal Service Fund Environmental Services-Environmental Contracts
Districts:	All

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division, General Services, and Environmental Services & Code Enforcement recommend that Chaparral Sand & Gravel, LLC and Road Masters IG, LLC be disqualified as non-responsive and the contract be awarded as indicated to Tres Pesetas, Inc, the vendor offering the best value bid.

[General Services, Stuart Ed, (915) 621-6822]

[Environmental Services and Code Enforcement, Ellen Smyth, (915) 621-6892]

[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

8A. An Ordinance amending Ordinance No. 017524 which amended Ordinance No. 017109 which vacated a portion of Boston Avenue, to allow another one year extension to complete improvements on the pedestrian walkway and to revise the Quitclaim Deed to reflect the extended time for completion. **(District 1)**
[Planning and Economic Development, Kimberly Forsyth, (915) 541-4668]

8B. An Ordinance amending Title 19 (Subdivisions), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.050 (Roadway Participation Policies-Improvement of Adjacent Perimeter Roads and Utilities) and Chapter 19.15 (Roadways), Section 19.15.050 (General Requirements) of the El Paso City Code to allow for the waiver of the dedication or improvements of adjacent substandard roads when specific criteria are met. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code. **(All Districts)**
[Planning and Economic Development, Kimberly Forsyth, (915) 541-4668]

PUBLIC HEARING WILL BE HELD ON APRIL 3, 2012, FOR ITEMS 8A –8B

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. GENERAL SERVICES:

Discussion and action on the award of Solicitation No. 2012-135 (Landfill Dozer) to Tom Growney Equipment, Inc. for a total of \$555,900.

Department:

General Services

Award to:

Tom Growney Equipment, Inc.

El Paso, TX

Item:

Item 1

Option:

Option to purchase additional quantity within

180 days of award
 Total Award: \$555,900
 Account: 34010289 – 508029 – 40499 –PSWM0017
 Funding Source: Environmental Services Department,
 Heavy Off Road Equipment
 Districts: All

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Tom Growney Equipment, Inc., the vendor offering the best value bid.

[General Services, Stuart Ed, (915) 621-6822]

[Financial Services, Bruce D. Collins, (915) 541-4313]

POSTPONED FROM 3-13-2012

REGULAR AGENDA – OTHER BUSINESS

10. ENGINEERING AND CONSTRUCTION MANAGEMENT:

10A. Discussion and action that the Purchasing Manager is authorized to notify Bureau Veritas North America, Inc., Code Compliance Inspections PC, ECM International, Inc, and Michelle's Ventures dba Vision Consultants, Inc. that the City is terminating Contract No. 2011-143 (Permit-Based Third Party Residential Building Inspectors) pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract Clauses, and that the termination shall be effective as of March 27, 2012. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

[Financial Services, Bruce D. Collins, (915) 541-4313]

10B. Discussion and action that the City Manager be authorized to sign a three year agreement for Third Party Plan Review and Inspection Services (Solicitation No 2012-103R) by and between the City of El Paso and Bureau Veritas North America, Inc., for a total contract amount not to exceed \$3,663,000. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

[Financial Services, Bruce D. Collins, (915) 541-4313]

10C. Discussion and action that the City Manager be authorized to sign a three year agreement for Third Party Plan Review and Inspection Services (Solicitation No 2012-103R) by and between the City of El Paso and Code Compliance Inspections, PC, for a total contract amount not to exceed \$2,026,800. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

[Financial Services, Bruce D. Collins, (915) 541-4313]

10D. Discussion and action that the City Manager be authorized to sign a three year agreement for Third Party Plan Review and Inspection Services (Solicitation No 2012-103R) by and between the City of El Paso and Michelle's Ventures dba Vision Consultants, Inc., for a total contract amount not to exceed \$4,086,000. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

[Financial Services, Bruce D. Collins, (915) 541-4313]

- 10E.** Discussion and action that the City Manager be authorized to sign a three year agreement for Third Party Plan Review and Inspection Services (Solicitation No 2012-103R) by and between the City of El Paso and ECM International, Inc., for a total contract amount not to exceed \$2,340,000. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

[Financial Services, Bruce D. Collins, (915) 541-4313]

- 10F.** Discussion and action that the City Manager be authorized to sign a three year agreement for Third Party Plan Review and Inspection Services (Solicitation No. 2012-103R) by and between the City of El Paso and The Institute For Building Technology and Safety for a total contract amount not to exceed \$4,440,000.

(All Districts)

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

[Financial Services, Bruce D. Collins, (915) 541-4313]

- 10G.** Discussion and action that the City Manager be authorized to sign a 50 Year License for Public Use of District Real Property (License L-1300) with the El Paso County Water Improvement District No. 1 ("EPCWID1") which grants a license to the City of El Paso to reconstruct, operate, install, maintain, inspect, repair, replace, or remove any and all streets currently crossing EPCWID1 facilities within the City Limits, for a total License fee of \$1,608,780 payable in three annual installments. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

11. ENVIRONMENTAL SERVICES:

Discussion and action on a Resolution that the City Manager be authorized to sign a Citywide Litter Control Contract by and between the City of El Paso and both TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's General Services Department, Environmental Services Department and the Airport. This is a service requirements contract at a currently estimated cost to the City of \$2,705,991.60 for the three-year term of the contract.

(All Districts) [Environmental Services and Code Enforcement, Ellen Smyth, (915) 621-6719]

12. MAYOR AND COUNCIL:

- 12A.** Discussion and action concerning unpleasant odors in and around the 900 to 1100 block of Pendale Street. **(District 7)** [Representative Steve Ortega, (915) 541-4124]

- 12B.** Discussion and action on a joint resolution between the City of El Paso, El Paso County, El Paso School Districts, and Hospital District to request the Central Appraisal District to add more commercial appraisers to their staff to address the growing need to get current commercial values closer to market value.

(All Districts) [Representative Cortney Carlisle Niland, (915) 541-4268]

POSTPONED FROM 3-20-2012

13. CITY MANAGER:

City Manager's report of current events and issues:

Presentation and action of projects implemented under the Neighborhood Improvement Program. **(All Districts)** [Community Development, William Lilly, (915) 541-4918]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Application of El Paso Electric Company to Change Rates and Reconcile Fuel Costs, Public Utility Commission of Texas Docket 40094, SOAH Docket 473-12-4275 (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>